

Appl. No. 09/688,281
Amdt. Dated February 2, 2005
Reply to Office action of January 4, 2005

REMARKS/ARGUMENTS

Applicant wishes to thank the examiner for extending Applicant the opportunity on January 27, 2005 to discuss the Application and Applicant's position regarding the references. Applicant has made the changes to the Specification and Claims as agreed to by the examiner and believes that the Claims are now in condition for allowance.

A. AMENDMENTS TO THE SPECIFICATION

The examiner requested that the Applicant further distinguish U.S. Patent 5,737,527 and U.S. Patent No. 5,848,934 to Shiels, et al. (both of which were identified in the Specification as originally filed) from the claimed inventions. Accordingly applicant has amended the Specification to state that:

However, neither the '527 patent nor the '934 patent describe or teach means for a community of participants on a network to influence the programming on the network in real time or near real time.

The examiner and the Applicant also discussed the use of the term "content" as used in the claims. It was agreed that in order to make clear the original and intended meaning of this claim element, Applicant should define a new term in the Specification and use this term in the claims. Accordingly, Applicant has modified the Specification to include the following:

As used in this Application, the term "broadcast content" may comprise a live audio or video performance, a pre-recorded audio or video performance, and an interactive game that is broadcast over a broadcast means such as a television broadcast network, a cable broadcast network, and the Internet.

Support for this change is found in Specification in the paragraph beginning with line 18 of page 9 and continuing to page 10, line 2 (reference to both live programming and pre-recorded programming), and in the paragraph beginning with line 1 of page 14 (reference to live audio, radio and games). Thus, the amendment to the Specification does not constitute new matter

B. AMENDMENTS TO THE CLAIMS

Claims 1-33 remain in this application. Claims 1-31 have been amended. No new matter has been added by these amendments.

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Claims 1-13 and 16-33 have been rejected by the examiner under 35 U.S.C. §103(a) as being unpatentable over Hanson et al. (U.S. Patent 6,457,045) (herein, Hanson) in view of Goldshlag et al. (U.S. Patent 6,108,644 A) (herein, Goldshlag) Bowcutt et al. (U.S. Patent 6,308,328) (herein, Bowcutt).

Claims 14-15 have been rejected by the examiner as unpatentable over Hanson, Goldshlag, and Bowcutt and further in view of Anderson et al. (U.S. Patent 4,290,141) (herein, Anderson).

The examiner and Applicant agreed that the Goldshlag reference was non-analogous art. For this reason, claims 1-33 are not obvious under 35 U.S.C. § 103(a) and are allowable over Hanson and Bowcutt.

As noted above, Applicant agreed to clarify the claim language by using the term "broadcast content" in place of "content programming." Accordingly, changes were made to claims 1-31 as appropriate.

C. CONCLUSION

Applicant respectfully requests reconsideration of the current rejections. In view of the responses and remarks made above, Applicant further requests that that a timely Notice of Allowance be issued in this case.

D. REQUEST FOR AN INTERVIEW

Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests an interview with the examiner prior to any new office action relating to the present Application. Attorney for the Applicant may be reached at the number listed below.

E. AUTHORIZATION TO CHARGE ACCOUNT

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, and conversely credit any overpayment to Deposit Account No. 18-1579.

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Respectfully Submitted,

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